

1 J. Patrick Carey (State Bar #253645)
2 LAW OFFICES OF J. PATRICK CAREY
3 1230 Rosecrans Avenue, Suite 270
4 Manhattan Beach, California 90266
5 Tel: (310) 526-2237
6 Fax: (310) 356-3671
7 Email: pat@patcareylaw.com

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Attorney for Defendant
ALAN JOHNSTON

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CORY SPENCER, an individual;
DIANA MILENA REED, an
individual; and COASTAL
PROTECTION RANGERS, INC., a
California non-profit public benefit
corporation;

Plaintiffs,

v.

LUNADA BAY BOYS; THE
INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
aka JALIAN JOHNSTON, MICHAEL
RAE PAPAYANS, ANGELO
FERRARA, FRANK FERRARA,
CHARLIE FERRARA, and N.F.;
CITY OF PALOS VERDES
ESTATES; CHIEF OF POLICE
JEFF KEPLEY, in his representative
capacity; and DOES 1 – 10,

Defendants.

Case No. 2:16-cv-02129-SJO (RAOx)

**DECLARATION OF J. PATRICK
CAREY IN SUPPORT OF
DEFENDANT JOHNSTON'S NOTICE
OF MOTION AND MOTION FOR
SUMMARY JUDGMENT (F.R.C.P.
56)**

Hearing Date: August 21, 2017
Hearing Time: 10:00 A.M.
Judge: Hon. James Otero
Courtroom: 10C

1 I, J. Patrick Carey, hereby state and declare:

2 1. I am the attorney admitted to practice law before this District
3 Court and all Courts of the State of California. I am the attorney of record for
4 Defendant Alan Johnston. I have personal knowledge of the matters set
5 forth herein such that if called upon to testify I could and would competently
6 state as follows under oath.

7 2. I make this Declaration in support of Defendant Johnston's
8 concurrently filed motion for summary judgment or in the alternative
9 summary adjudication, which motion was made following the conference of
10 counsel pursuant to Local Rule 7-3 which took place on July 14, 2017.

11 3. Attached hereto as Exhibit 1 are true and correct copies of the
12 face page and selected pages of the Certified Transcript of the Deposition of
13 Plaintiff Cory Eldon Spencer taken on October 11, 2016.

14 4. Attached hereto as Exhibit 2 are true and correct copies of the
15 face page and selected pages of the Certified Transcript of the Deposition of
16 Plaintiff Diana Milena Reed, Volume I, taken on October 25, 2016.

17 5. Attached hereto as Exhibit 3 is a true and correct copy of
18 screenshots of the video of the incident that occurred between Plaintiff Reed
19 and Defendant Johnston on February 13, 2016.

20 I declare under penalty of perjury under the laws of the United States
21 that the foregoing is true and correct. Executed on July 24, 2017, at
22 Manhattan Beach, California.

23
24 DATED: July 24, 2017

LAW OFFICES OF J. PATRICK CAREY

25
26
27
28

By: /s/ J. Patrick Carey
J. Patrick Carey
Attorney for Defendant
ALAN JOHNSTON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28